

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

TERRY McKANNAN)	
)	
Plaintiff)	
)	CAUSE NO.: 3:10-cv-88 RLY-WGH
vs.)	
)	
NATIONAL COUNCIL OF YOUNG MEN'S)	
CHRISTIAN ASSOCIATIONS OF THE)	
UNITED STATES OF AMERICA d/b/a)	
YMCA OF THE USA, WABASH VALLEY)	
YMCA, INC., WABASH VALLEY YOUTH)	
IN ACTION, INC., and WABASH VALLEY)	
COLLEGE FOUNDATION, INDIVIDUALLY,)	
AND d/b/a WABASH VALLEY COLLEGE)	
Defendants)	

PLAINTIFF'S FIRST AMENDED COMPLAINT

Comes now the Plaintiff, by counsel, David K. Robinson, and for her First Amended Complaint against the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc. and Wabash Valley College Foundation, Individually and d/b/a Wabash Valley College alleges and says:

1. The National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA (hereinafter YMCA USA) is a not-for-profit corporation organized and incorporated under the laws of the State of Illinois and doing business throughout the 50 states including the State of Indiana, and engaged in the business of, among other things, providing gymnasium, workout and pool facilities for use by the general public. YMCA USA is the parent organization for approximately 2,686 YMCA facilities throughout the United States

including the defendants, Wabash Valley YMCA, Inc. and Wabash Valley Youth in Action, Inc. YMCA USA has a total membership of 20,916,698 members and has a total revenue of \$5.96 billion annually.

2. Wabash Valley YMCA, Inc. and Wabash Valley Youth in Action, Inc. are local affiliates of YMCA USA and, at all times herein mentioned, along with YMCA USA, owned, leased, operated, and controlled a “YMCA” facility and pool located on the campus of the Defendant, Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College, on N. Market Street, Mt. Carmel, Wabash County, Illinois. Said defendants advertized, solicited and encouraged citizens and residents of the State of Indiana including the plaintiff, Terry McKannan, to join as members of the National Council of Young Men’s Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc. at their location 400 N. Market Street, Mt. Carmel, Illinois and pool facility located on the campus of the Defendant, Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College in Mt. Carmel, Wabash County, Illinois. __

3. The Defendant, Wabash Valley College Foundation, Individually and d/b/a Wabash Valley College, was at all times herein mentioned incorporated in the State of Illinois and doing business as a college located on N. Market Street in Mt. Carmel, Wabash County, Illinois. At all times herein mentioned said Defendant owned, operated, leased and/or maintained a pool facility located on its said campus on N. Market Street, Mt. Carmel, Wabash County, Illinois. Under and pursuant to authority given by said Defendant, Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College, said pool was used by, leased to and or operated by the Defendants, National Council of Young Men’s Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in

Action, Inc. for use by its members including the Plaintiff, Terry McKannan.

4. Plaintiff, Terry McKannan is and was, at all times mentioned herein, a resident of Francisco, Gibson County, Indiana and a member of the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc.

COUNT I COMPLAINT FOR NEGLIGENCE

5. On July 15, 2008, while a business invitee at the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc. and Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College, said pool facility located on the campus of the Wabash Valley College on N. Market Street, Mt. Carmel, Wabash County, Illinois, the Plaintiff, Terry McKannan, was sitting on a bench in the shower room when due to carelessness and negligence on the part of the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc., and Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College, said bench broke causing Plaintiff, Terry McKannan to fall to the shower floor, proximately causing injuries and damages as more fully set forth below.

6. The cause of the fall sustained by Plaintiff, Terry McKannan, set forth in rhetorical paragraph number five (5) above, was negligence on the part of the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc., and Wabash Valley

College Foundation, Individually, and d/b/a Wabash Valley College in the following particulars:

a. Failure to inspect business premises to discover unreasonably dangerous and unsafe conditions of the shower bench

b. Failure to maintain the shower bench in a reasonably safe condition.

c. Failure to warn Plaintiff, Terry McKannan, of unreasonably unsafe and dangerously defective condition of the shower bench.

d. Failure to provide Plaintiff, Terry McKannan, a safe business premises including a safe and non-defective shower bench.

7. That as the direct and proximate result of the negligence of the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc., and Wabash Valley Foundation, Individually, and d/b/a Wabash Valley College, the Plaintiff, Terry McKannan, has sustained painful and permanent personal injuries, she has and in the future will require medical treatment and will incur medical bills for that treatment.

WHEREFORE, the Plaintiff, Terry McKannan, prays for judgment of and from the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., Wabash Valley Youth in Action, Inc., and Wabash Valley College Foundation, Individually, and d/b/a Wabash Valley College, in an amount that will fully and adequately compensate her for her injuries and damages herein, her costs in this action and all other just and proper relief.

s/David K. Robinson

David K. Robinson
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JURY DEMAND

Comes now the Plaintiff, by counsel, and respectfully requests trial by jury in the above captioned matter.

s/David K. Robinson

David K. Robinson

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